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21 **UNITED STATES BANKRUPTCY COURT**
22 **DISTRICT OF NEVADA**

23 In re:

24 USA COMMERCIAL MORTGAGE
25 COMPANY,

26 USA CAPITAL REALTY ADVISORS,
1 LLC,

2 USA CAPITAL DIVERSIFIED TRUST
3 DEED FUND, LLC,

4 USA CAPITAL FIRST TRUST DEED
5 FUND, LLC,

6 USA SECURITIES, LLC, Debtors.

7 Affects:

8 All Debtors
9 USA Commercial Mortgage Company
10 USA Capital Realty Advisors, LLC
11 USA Capital Diversified Trust Deed Fund, LLC
12 USA Capital First Trust Deed Fund, LLC
13 USA Securities, LLC

14 Case No. BK-S-06-10725-LBR
15 Case No. BK-S-06-10726-LBR
16 Case No. BK-S-06-10727-LBR
17 Case No. BK-S-06-10728-LBR
18 Case No. BK-S-06-10729-LBR

19 CHAPTER 11

20 Jointly Administered Under Case No.
21 BK-S-06-10725 LBR

22 **MOTION FOR ORDER REQUIRING**
23 **AWARE TM 30850, LLC TO**
24 **PRODUCE ONE OR MORE**
25 **REPRESENTATIVES FOR**
26 **EXAMINATION PURSUANT TO**
1 **FEDERAL RULE OF**
2 **BANKRUPTCY PROCEDURE 2004**

3 [No hearing required]

4 Pursuant to Federal Rule of Bankruptcy Procedure 2004, the USACM Liquidating
5 Trust (the "Trust" or "Movant") hereby moves this Court for an order requiring Aware TM
6 30850, LLC ("Aware TM") to produce one or more representatives, as set forth in the
7 subpoena to be issued under Federal Rule of Bankruptcy Procedure 9016, to appear for
8 examination at the office of Lewis and Roca LLP, 3993 Howard Hughes Parkway, Suite
9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26

600, Las Vegas, Nevada 89169, on a business day no earlier than ten (10) business days after the filing of this Motion and no later than November 15, 2007, or at such other mutually agreeable location, date, and time, and continuing from day to day thereafter until completed.

This Motion is further explained in the following Memorandum.

Memorandum

The Movant seeks information concerning various transactions between Aware TM and USACM, the other debtors in the above-captioned cases (together with USACM, the “Debtors”), and the Debtors’ affiliates, subsidiaries, parents, or otherwise related entities. The Movant seeks this information to assist in the collection of the assets and the investigation of the liabilities of the Debtors.

The requested discovery from Aware TM is well within the scope of examination permitted under Bankruptcy Rule 2004, which includes:

[t]he acts, conduct, or property or . . . the liabilities and financial condition of the debtor, or ... any matter which may affect the administration of the debtor's estate, or to the debtor's right to a discharge. In a . . . reorganization case under chapter 11 of the Code, . . . the examination may also relate to the operation of any business and the desirability of its continuance, the source of any money or property acquired or to be acquired by the debtor for purposes of consummating a plan and the consideration given or offered therefore, and any other matter relevant to the case or to the formulation of a plan.

Conclusion

Accordingly, the Movant requests that this Court enter the form of order submitted with this Motion.

¹ FED.R. BANKR. P. 2004(b).

1 Dated: September 12, 2007.

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